

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNIT PETROLEUM COMPANY,)
UNIT DRILLING AND EXPLORATION)
COMPANY,)

Plaintiff,)

v.)

JACK FROST, an individual,)

Defendant and)
Third-Party Plaintiff,)

v.)

UNIT CORPORATION,)

Third-Party Defendant.)

Case No. 11-CV-627-JED-FHM

OPINION AND ORDER

Defendant Jack Frost's *Motion to Compel Unit Petroleum Company to Supplement its Discovery Responses*, [Dkt. 200], is before the court for decision. Plaintiff has filed a response. [Dkt. 206]. No reply was filed.

Defendant seeks an order compelling Plaintiff to update certain revenue and lease data that has accrued since Plaintiff provided its previous discovery responses. Alternatively, Defendant requests that if Defendant prevails on his claims Plaintiff provide the updated data for Defendant to use to determine damages.

Plaintiff objects to Defendant's motion primarily arguing that the updated information will not be necessary unless Defendant succeeds on his claims and the court can require Plaintiff to provide the updated information if Defendant succeeds on his claims.

It is not clear whether there is a difference between Defendant's alternative request

for relief and Plaintiff's position that the court would have the power to order updated information if Defendant succeeds on his claims. They both contemplate updated damages information being produced if Defendant prevails on the merits. The court finds that waiting to produce the updated information is a reasonable approach because this is now a non-jury case.

Defendant's *Motion to Compel Unit Petroleum Company to Supplement its Discovery Responses*, [Dkt. 200] is therefore denied without prejudice to Defendant receiving updated damages information from Plaintiff if Defendant prevails on the merits.

IT IS SO ORDERED this 24th day of January, 2014.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE